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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 SAN JOSE DIVISION

9 METARA, INC.

Plaintiff,

CV-03-4594-JF

ORDER OF DISMISSAL

10 V.

11 HOWARD KINGSTON,
12 Defendant.

13 _____/

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15 The parties hereto, by their counsel, have advised the Court that they have agreed to a
16 settlement of this case.

17 IT IS HEREBY ORDERED that this cause be dismissed with prejudice; however, that if
18 any party hereto shall certify to this Court, within thirty days, with proof of service of a copy
19 thereof, that the agreed consideration for said settlement has not been delivered over, the
20 foregoing ORDER SHALL STAND VACATED and this cause shall forthwith be restored to the
21 calendar to be set for trial.

22 Date: September 7, 2005

s/electronic signature authorized

JEREMY FOGEL

Judge United States District Court
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